

FILED  
07 OCT 31 AM 9:01  
ORIGINAL  
CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
BY: *[Signature]* DEPUTY

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2 (SBN: 197663)  
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15 Attorneys for Plaintiff

16 UNITED STATES DISTRICT COURT  
17 SOUTHERN DISTRICT OF CALIFORNIA  
18 SAN DIEGO DIVISION

19 '07 CV 2088 JAH CAB  
20 Case No.: \_\_\_\_\_

21 FORTUNE GROWERS, LLC, a  
22 Nevada limited liability company,

23 Plaintiff,

24 vs.

25 SOUTHERN CITRUS, INC., a  
26 California corporation; HANA GIBO,  
27 an individual; and SABAH  
28 YOKHANNA, an individual,

Defendants.

AFFIDAVIT OF LUIS SOLARTE IN  
SUPPORT OF PLAINTIFF'S EX-  
PARTE MOTION FOR  
TEMPORARY RESTRAINING  
ORDER

STATE OF ILLINOIS )  
) ss:  
COUNTY OF COOK )

I, Luis Solarte, being duly sworn, depose and state as follows:

1           1.     I am the Managing Member of Fortune Growers, LLC ("Fortune  
2 Growers").

3           2.     I am responsible for handling collection matters for Fortune  
4 Growers.  
5

6           3.     I have been personally involved in attempting to collect Fortune  
7 Growers' unpaid invoices from Defendant, Southern Citrus, Inc. ("Southern  
8 Citrus"), and in this capacity, I file this Affidavit in support of Plaintiff's Ex-  
9 Parte Motion for Temporary Restraining Order against Defendants, Southern  
10 Citrus, Hana Gibo, and Sabah Youkhanna. (collectively referred to as the  
11 "Defendants").  
12  
13

14           4.     I am authorized to make this Affidavit and am competent to testify  
15 at trial regarding the statements made in this Affidavit.  
16

17           5.     Fortune Growers seeks a Temporary Restraining Order ("TRO") in  
18 this matter to preserve its beneficial interest in the statutory trust created under  
19 the Perishable Agricultural Commodities Act of 1930, as amended, 7 U.S.C.  
20 §§499a-499t ("PACA"). The PACA trust assets are now in the Defendants'  
21 possession and control.  
22  
23

#### 24                               ACCOUNT HISTORY

25           6.     Fortune Growers is a PACA licensee (PACA License No. 20051225).

26           7.     Fortune Growers sold perishable agricultural commodities  
27  
28

1 ("Produce") to Southern Citrus as described in the chart included with attached  
2 Composite Exhibit "A." As reflected on the chart, Southern Citrus received and  
3 accepted the Produce and no adjustments have been made on the invoice  
4 amount except as listed. This chart uses the following terms, which shall have  
5 the following described meaning:  
6

- 7           A.    **Invoice Number** refers to the number under which the commodity  
8                   was sold to Southern Citrus.
- 9           B.    **Transaction Date** refers to the date the payment term between  
10                  Fortune Growers and Southern Citrus begins.
- 11          C.    **Invoice Date** refers to the date the Invoice was sent to Southern  
12                  Citrus.
- 13          D.    **Payment Due Date** refers to when payment was due by Southern  
14                  Citrus.
- 15          E.    **Invoice Amount** refers to the total amount owed and remaining  
16                  unpaid, regardless of whether the particular invoice amount  
17                  qualifies for trust protection.
- 18          F.    **Number of Days Overdue** refers to the amount of days an invoice  
19                  is past due.
- 20          G.    **Trust Amount** refers to the amount owed and remaining unpaid  
21                  which is entitled to trust protection due to Fortune Growers '  
22                  compliance with the applicable PACA regulations.

23          8.    Included in Composite Exhibit "A" are true and accurate copies of  
24 all the invoices that contained the statutory trust language.

25          9.    Each invoice was properly addressed and mailed to Southern  
26 Citrus via U.S. Mail, postage pre-paid, in the ordinary course of business as  
27

1 indicated on each invoice included with Exhibit "A." Additionally, each invoice  
2 was faxed to Southern Citrus.

3 10. The Produce Fortune Growers sold to Southern Citrus consisted of  
4 various fresh Produce, all of which were shipped in interstate commerce and,  
5 accordingly, subject to the provisions of the PACA.  
6

7 11. Southern Citrus has not paid the invoices and, upon information  
8 and belief, Southern Citrus does not have sufficient funds to fully satisfy  
9 Fortune Growers' PACA trust claim in full, as required under the PACA.  
10

11 **EVIDENCE OF TRUST DISSIPATION**  
12

13 12. Because Southern Citrus was not timely paying Fortune Growers'  
14 PACA trust claims, I, on behalf of Fortune Growers, began investigating  
15 Southern Citrus's financial position. All of the information I have discovered  
16 concerning the financial status of Southern Citrus has led me to believe that  
17 Southern Citrus does not have sufficient assets to timely pay Fortune Growers.  
18

19 13. On or about July 11, 2007, I spoke with Rich Flores ("Flores"), sales  
20 person for Southern Citrus, for the purpose of establishing a business  
21 relationship between Southern Citrus and Fortune Growers. Attracted to the  
22 idea of purchasing Fortune Growers' product, Flores instructed me to speak  
23 with Hana Gibbo ("Hana"), President of Southern Citrus.  
24  
25

26 14. That same date, I spoke with Hana, and we discussed the terms of  
27  
28

1 Fortune Growers selling product to Southern Citrus. I told Hana that for the  
2 purpose of evaluating the creditworthiness of its customers, Southern Citrus  
3 would be required to provide trade references and certain information  
4 regarding its operations, and must agree to authorize its financial institution to  
5 release any information to establish credit with Fortune Growers.  
6

7 15. On July 11, 2007, Southern Citrus completed Fortune Growers'  
8 credit application, which was signed by Hana and Sabah Youkhanna ("Sabah").  
9 A copy of the credit application is attached as Exhibit "B".  
10

11 16. Thereafter, I spoke with Southern Citrus' bank, companies  
12 referenced in Southern Citrus' credit application, and the Blue Book, a produce  
13 industry credit reporting company and information clearinghouse. From my  
14 conversations with these entities, I discovered that Southern Citrus had  
15 sufficient funds in its bank account, issued timely payments to its vendors, and  
16 had no complaints filed with the Blue Book. Based upon this information,  
17 Fortune Growers agreed to sell its product to Southern Citrus.  
18  
19  
20

21 17. Through Flores, Southern Citrus purchased its first shipment from  
22 Fortune Growers in July, 2007, and thereafter, continued to make weekly  
23 purchases. Southern Citrus timely paid the invoices for these shipments.  
24

25 18. In the middle of September, 2007, Southern Citrus suddenly  
26 purchased product from Fortune Growers on a daily basis. Also at that time, I  
27  
28

1 began noticing that Southern Citrus was having problems with payment on  
2 several invoices, and as a result, the outstanding balance continued to rise.

3 19. On October 3<sup>rd</sup>, Flores attempted to order avocados from Fortune  
4 Growers. The value of these avocados totaled approximately \$40,000.00. I  
5 informed Flores that Fortune Growers would not sell the avocados or any  
6 product to Southern Citrus until the outstanding balance was drastically  
7 reduced. Flores admitted to the amount owing from Southern Citrus to Fortune  
8 Growers and promised that a payment of \$36,000.00 was forthcoming. Fortune  
9 Growers never received this payment.  
10  
11

12 20. I spoke with Flores on October 5<sup>th</sup> and October 7<sup>th</sup> about the  
13 promised payment. He explained that Hana was sick and was unable to issue a  
14 check. He, however, assured me that a check was in the mail. Again, payment  
15 was not received.  
16  
17

18 21. I attempted to contact Hana in an effort to discuss payment of past  
19 due invoices owed to Fortune Growers. I left several messages on Hana's cell  
20 phone and with her secretary, all without a response.  
21

22 22. On October 22<sup>nd</sup>, I spoke with Earl Elliot, specialist for the PACA  
23 division of the USDA, informing him of Fortune Growers' claim against  
24 Southern Citrus. He told me that three creditors filed reparation actions against  
25 Southern Citrus with the USDA, that he was unable to contact Southern Citrus  
26  
27  
28

1 to obtain information about the company's financial condition, and that the  
2 company's PACA license was terminated.

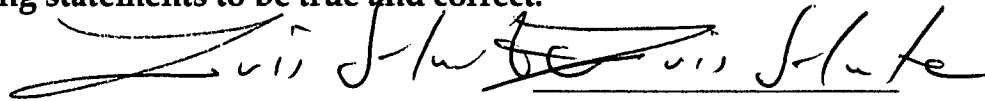
3 23. On October 23<sup>rd</sup> and 24<sup>th</sup>, I tried to contact Hana or Flores at the  
4 telephone number listed for Southern Citrus in the Blue Book. No one answered  
5 my telephone calls.  
6

7 24. To date, Fortune Growers has received none of the promised  
8 payments from Southern Citrus. The lack of truthfulness regarding payment,  
9 coupled with the inability to contact Hana, and Flores's admission that Southern  
10 Citrus owes Fortune Growers the outstanding balance of \$115,266.40 has led me  
11 to conclude that Southern Citrus has failed to maintain sufficient trust assets to  
12 satisfy its obligations to Fortune Growers, and is dissipating PACA trust assets.  
13  
14

15 25. Based upon my personal experience, it appears that Southern Citrus  
16 has and is continuing to dissipate the PACA trust to the point that Southern  
17 Citrus is unable to satisfy not only the amounts owed to Fortune Growers, but  
18 also the claims of other similarly situated PACA trust claimants who may be  
19 unaware of the dissipated condition of the PACA trust. Thus, unless Fortune  
20 Growers is forced to satisfy its non-Produce debt and other operating expenses  
21 out of its profit margin rather than dipping into the PACA trust assets, Southern  
22 Citrus will continue to aggravate the situation through further dissipation of the  
23 PACA trust.  
24  
25  
26  
27  
28

1           26. Based upon my experience in the collection of Produce related  
2 receivables, I have found that when a situation has deteriorated to this extent, it  
3 inevitably leads to the liquidation of the entity charged with maintaining the  
4 PACA trust. My experience has also proven such dissipation will undoubtedly  
5 continue until any hope of recovery is lost, thereby rendering the trust  
6 protection under the PACA a meaningless formality.  
7  
8

9           I declare, under penalty of perjury as set forth in 28 U.S.C. §1746, the  
10 foregoing statements to be true and correct.

11 

12 10-25-07

Luis Solarte  
Managing Member of Fortune  
Growers, LLC



STATE OF ILLINOIS )  
 ) ss:  
COUNTY OF COOK )

SWORN TO AND SUBSCRIBED before me this 25<sup>th</sup> day of October, 2007 by  
Luis Solarte, Managing Member and authorized representative of Fortune  
Growers, LLC, and who: *(notary must check applicable box)*

☐ Is personally known to me

☒ Produced a current drivers license for identification  
State IL Number 5463-5336-1278

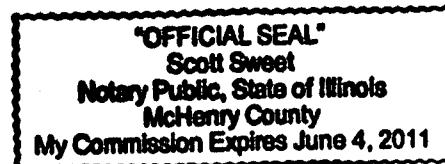
☐ Produced \_\_\_\_\_ as identification

My Commission Expires:

June 4, 2011

  
Notary Public, State of Illinois

Scott Sweet  
Notary Public (Print Name)



**Exhibit "A"**

**SOUTHERN CITRUS, INC., ET AL.**

## TRUST CHART

[illegible]

**INVOICE**

FORTUNE GROWERS LLC  
 P O BOX 957585  
 HOFFMAN ESTATES, IL 60195-7585

INVOICE NO.: 001776 01  
 INVOICE DATE: 10/23/2007

PAYMENT TERMS: NET 7 DAYS

SHIPPING DATE: 9/18/2007

SHIPPED FROM: Direct  
 FREIGHT TERMS: FOB

CUSTOMER ID: SCC001

PO#: 4375

SOLD TO: SOUTHERN CITRUS  
 1626 W. FRONTAGE RD  
 SAN DIEGO, CA 91911

SHIP TO:

OUR ORDER NO.: 00177601  
 BROKER:

SALESMAN: Edgar K.

INSPECTION:  
 ROUTING:  
 LICENSE NO.:

BL: 00177601

DESCRIPTION	QUANTITY	PRICE	UNIT	AMOUNT
ICEBER LETTUC CELLO BIG E 24 CT	920	13.15	CTN	12098.00
RYAN RECORDER	1	24.50		24.50

\* \* Please submit your check to: \* \*

FORTUNE GROWERS LLC  
 P O BOX 957585  
 HOFFMAN ESTATES, IL 60195-7585

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 489e(c)). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these

921  
 TOTAL QUANTITY

12122.50  
 TOTAL AMOUNT

**INVOICE**

FORTUNE GROWERS LLC  
P O BOX 957585  
HOFFMAN ESTATES, IL 60195-7585

INVOICE NO.: 001777 01  
INVOICE DATE: 10/23/2007

PAYMENT TERMS: NET 7 DAYS

SHIPPING DATE: 9/18/2007

SHIPPED FROM: Direct  
FREIGHT TERMS: FOB

CUSTOMER ID: SCC001

PO#: 4374

SOLD TO: SOUTHERN CITRUS  
1626 W. FRONTAGE RD  
SAN DIEGO, CA 91911

SHIP TO:

OUR ORDER NO.: 00177701  
BROKER:

SALESMAN: Edgar K.

INSPECTION:  
ROUTING:  
LICENSE NO.:

B/L: 00177701

DESCRIPTION	QUANTITY	PRICE	UNIT	AMOUNT
CROWN BROCCOLI FORTUNE	1344	13.65	CTN	18345.60

\* \* Please submit your check to: \* \*

FORTUNE GROWERS LLC  
P O BOX 957585  
HOFFMAN ESTATES, IL 60195-7585

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e(c)). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received.

1344  
TOTAL QUANTITY

PLEASE PAY  
18345.60  
TOTAL AMOUNT

FORTUNE GROWERS LLC  
P O BOX 957585  
HOFFMAN ESTATES, IL 60195-7585

INVOICE NO.: 001778 01  
INVOICE DATE: 10/23/2007

PAYMENT TERMS: NET 7 DAYS

SHIPPING DATE: 9/19/2007

SHIPPED FROM: Direct  
FREIGHT TERMS: FOB

CUSTOMER ID: SCC001

PO#: 7580

SOLD TO: SOUTHERN CITRUS  
1626 W. FRONTAGE RD  
SAN DIEGO, CA 91911

SHIP TO:

OUR ORDER NO.: 00177801  
BROKER:

SALESMAN: Edgar K.

INSPECTION:  
ROUTING:  
LICENSE NO.:

B/L: 00177801

DESCRIPTION	QUANTITY	PRICE	UNIT	AMOUNT
ICEBER LETTUC CELLO BIG E 24 CT	525	13.65	CTN	7166.25
CELERY BIG E 24 CT	32	7.65	CTN	244.80
CELERY BIG E 30 CT	64	7.65		489.60
CAULIFLOWER 16CT	112	5.65	CTN	632.80

\* \* Please submit your check to: \* \*

FORTUNE GROWERS LLC  
P O BOX 957585  
HOFFMAN ESTATES, IL 60195-7585

PLEASE PAY

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e(c)). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received.

733

TOTAL QUANTITY

8533.45

TOTAL AMOUNT

FORTUNE GROWERS LLC  
P O BOX 957585  
HOFFMAN ESTATES, IL 60195-7585

INVOICE NO.: 001780 01  
INVOICE DATE: 10/23/2007

PAYMENT TERMS: NET 7 DAYS

SHIPPING DATE: 9/21/2007

SHIPPED FROM: Direct  
FREIGHT TERMS: FOB

CUSTOMER ID: SCC001

PO#: 4400

SOLD TO: SOUTHERN CITRUS  
1626 W. FRONTAGE RD  
SAN DIEGO, CA 91911

SHIP TO:

OUR ORDER NO.: 00178001  
BROKER:

SALESMAN: Edgar K.

INSPECTION:  
ROUTING:  
LICENSE NO.:

B/L: 00178001

DESCRIPTION	QUANTITY	PRICE	UNIT	AMOUNT
CABBAG BOX CALIFORNIA	210	15.65		3286.50
ICEBER LETTUC CELLO BIG E 24 CT	175	15.15	CTN	2651.25

\* \* Please submit your check to: \* \*

FORTUNE GROWERS LLC  
P O BOX 957585  
HOFFMAN ESTATES, IL 60195-7585

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e(c)). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received.

385  
TOTAL QUANTITY

PLEASE PAY  
5937.75  
TOTAL AMOUNT

FORTUNE GROWERS LLC  
P O BOX 957585  
HOFFMAN ESTATES, IL 60195-7585

INVOICE NO.: 001781 01  
INVOICE DATE: 10/23/2007

PAYMENT TERMS: NET 7 DAYS

SHIPPING DATE: 9/24/2007

SHIPPED FROM: Direct  
FREIGHT TERMS: FOB

CUSTOMER ID: SCC001

PO#: 4401

SOLD TO: SOUTHERN CITRUS  
1626 W. FRONTAGE RD  
SAN DIEGO, CA 91911

SHIP TO:

OUR ORDER NO.: 00178101  
BROKER:

SALESMAN: Edgar K.

INSPECTION:  
ROUTING:  
LICENSE NO.:

B/L: 00178101

DESCRIPTION	QUANTITY	PRICE	UNIT	AMOUNT
CABBAG BOX CALIFORNIA	350	16.65		5827.50
CF BIG E 16 CT	112	5.65	CTN	632.80
CELERY BIG E 24 CT	64	7.65	CTN	489.60

\* \* Please submit your check to: \* \*

FORTUNE GROWERS LLC  
P O BOX 957585  
HOFFMAN ESTATES, IL 60195-7585

RELEASE PAY

526

6949.90

TOTAL QUANTITY

TOTAL AMOUNT

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a(c)). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received.



FORTUNE GROWERS LLC  
P O BOX 957585  
HOFFMAN ESTATES, IL 60195-7585

INVOICE NO.: 001702 01  
INVOICE DATE: 10/23/2007

PAYMENT TERMS: NET 7 DAYS

SHIPPING DATE: 9/24/2007

SHIPPED FROM: Direct  
FREIGHT TERMS: FOB

CUSTOMER ID: SCC001

PO#: 4402

SOLD TO: SOUTHERN CITRUS  
1626 W. FRONTAGE RD  
SAN DIEGO, CA 91911

SHIP TO:

INSPECTION:  
ROUTING:  
LICENSE NO.:

B/L: 00170201

OUR ORDER NO.: 00170201  
BROKER:

SALESMAN: Edgar K.

DESCRIPTION	QUANTITY	PRICE	UNIT	AMOUNT
CELERY 30 MAYORS CHOIC 30 CT	224	6.65	CTN	1489.60
CROWN BROCCOLI FORTUNE	112	13.65	CTN	1528.80
CROWN BROCCOLI HONG FAT	288	13.65	CTN	3931.20
CAULIFLOWER 9 CT PRINCESS	112	5.65		632.80

\* \* Please submit your check to: \* \*

FORTUNE GROWERS LLC  
P O BOX 957585  
HOFFMAN ESTATES, IL 60195-7585

PLEASE PAY

7582.40

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a(c)). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received.

736  
TOTAL QUANTITY

TOTAL AMOUNT

FORTUNE GROWERS LLC  
P O BOX 957585  
HOFFMAN ESTATES, IL 60195-7585

INVOICE NO.: 001785 01  
INVOICE DATE: 10/23/2007

PAYMENT TERMS: NET 7 DAYS

SHIPPING DATE: 9/26/2007

SHIPPED FROM: Direct  
FREIGHT TERMS: FOB

CUSTOMER ID: SCC001

PO#: 4403

SOLD TO: SOUTHERN CITRUS  
1626 W. FRONTAGE RD  
SAN DIEGO, CA 91911

SHIP TO:

OUR ORDER NO.: 00178501  
BROKER:

SALESMAN: Edgar K.

INSPECTION:  
ROUTING:  
LICENSE NO.:

B/L: 00178501

DESCRIPTION	QUANTITY	PRICE	UNIT	AMOUNT
CABBAG BOX CALIFORNIA	350	17.15		6002.50
ICEBER LETTUC CELLO BIG E 24 CT	70	15.15	CTN	1060.50
CABBAG BOX CALIFORNIA	350	18.15		6352.50

\* \* Please submit your check to: \* \*

FORTUNE GROWERS LLC  
P O BOX 957585  
HOFFMAN ESTATES, IL 60195-7585

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e(c)). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received.

770  
TOTAL QUANTITY

13415.50  
TOTAL AMOUNT

FORTUNE GROWERS LLC  
 P O BOX 957585  
 HOFFMAN ESTATES, IL 60195-7585

INVOICE NO.: 001708 01  
 INVOICE DATE: 10/23/2007

PAYMENT TERMS: NET 7 DAYS

SHIPPING DATE: 10/01/2007

SHIPPED FROM: Direct  
 FREIGHT TERMS: FOB

CUSTOMER ID: SCC001

PO#: 4406

SOLD TO: SOUTHERN CITRUS  
 1626 W. FRONTAGE RD  
 SAN DIEGO, CA 91911

SHIP TO:

OUR ORDER NO.: 00170801

SALESMAN: Edgar K.

INSPECTION:

B/L: 00170801

ROUTING:

BROKER:

LICENSE NO.:

DESCRIPTION	QUANTITY	PRICE	UNIT	AMOUNT
CROWN BROCCOLI HONG FAT	224	14.65	CTN	3281.60
CAULIFLOWER 9 CT PRINCESS	112	5.65		632.80

\* \* Please submit your check to: \* \*

FORTUNE GROWERS LLC  
 P O BOX 957585  
 HOFFMAN ESTATES, IL 60195-7585

PLEASE PAY

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e(c)). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received.

336

3914.40

TOTAL QUANTITY

TOTAL AMOUNT

FORTUNE GROWERS LLC  
P O BOX 957585  
HOFFMAN ESTATES, IL 60195-7585

INVOICE NO.: 001789 01  
INVOICE DATE: 10/23/2007

PAYMENT TERMS: NET 7 DAYS

SHIPPING DATE: 10/01/2007

SHIPPED FROM: Direct  
FREIGHT TERMS: FOB

CUSTOMER ID: SCC001

PO#: 4405

SOLD TO: SOUTHERN CITRUS  
1626 W. FRONTAGE RD  
SAN DIEGO, CA 91911

SHIP TO:

OUR ORDER NO.: 00178901  
BROKER:

SALESMAN: Edgar K.

INSPECTION:  
ROUTING:  
LICENSE NO.:

B/L: 00178901

DESCRIPTION				QUANTITY	PRICE	UNIT	AMOUNT
ICEBER LETTUC CELLO	BIG E	24 CT		385	18.15	CTN	6987.75
CELERY	BIG E	24 CT		64	6.65	CTN	425.60
RED CABBAG	CALIFORNIA			35	8.65		302.75
CF	BIG E	16 CT		112	5.65	CTN	632.80

\* \* Please submit your check to: \* \*

FORTUNE GROWERS LLC  
P O BOX 957585  
HOFFMAN ESTATES, IL 60195-7585

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e(c)). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received.

596  
TOTAL QUANTITY

8348.90  
TOTAL AMOUNT

FORTUNE GROWERS LLC  
P O BOX 957585  
HOFFMAN ESTATES, IL 60195-7585

INVOICE NO.: 001791 01  
INVOICE DATE: 10/23/2007

PAYMENT TERMS: NET 7 DAYS

SHIPPING DATE: 10/02/2007

SHIPPED FROM: Direct  
FREIGHT TERMS: FOB

CUSTOMER ID: SCC001

PO#: 4407

SOLD TO: SOUTHERN CITRUS  
1626 W. FRONTAGE RD  
SAN DIEGO, CA 91911

SHIP TO:

OUR ORDER NO.: 00179101

SALESMAN: Edgar K.

BROKER:

INSPECTION:

B/L: 00179101

ROUTING:

LICENSE NO.:

DESCRIPTION	QUANTITY	PRICE	UNIT	AMOUNT
CABBAG BOX CALIFORNIA	700	21.00		14700.00

\* \* Please submit your check to: \* \*

FORTUNE GROWERS LLC  
P O BOX 957585  
HOFFMAN ESTATES, IL 60195-7585

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by section 5(c) of the Perishable Agricultural Commodities Act, 1930 ( 7 U.S.C. 499e(c) ). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received.

700  
TOTAL QUANTITY

PLEASE PAY  
14700.00  
TOTAL AMOUNT

FORTUNE GROWERS LLC  
P O BOX 957585  
HOFFMAN ESTATES, IL 60195-7585

INVOICE NO.: 001792 01  
INVOICE DATE: 10/23/2007

PAYMENT TERMS: NET 7 DAYS

SHIPPING DATE: 10/03/2007

SHIPPED FROM: Direct  
FREIGHT TERMS: FOB

CUSTOMER ID: SCC001

PO#: 4406

SOLD TO: SOUTHERN CITRUS  
1626 W. FRONTAGE RD  
SAN DIEGO, CA 91911

SHIP TO:

OUR ORDER NO.: 00179201  
BROKER:

SALESMAN: Edgar K.

INSPECTION:  
ROUTING:  
LICENSE NO.:

B/L: 00179201

DESCRIPTION	QUANTITY	PRICE	UNIT	AMOUNT	
ICEBER LETTUC CELLO BIG E	24 CT	400	19.15	CTN	7660.00
CF BIG E	16 CT	112	6.65	CTN	744.80

\* \* Please submit your check to: \* \*

FORTUNE GROWERS LLC  
P O BOX 957585  
HOFFMAN ESTATES, IL 60195-7585

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512  
TOTAL QUANTITY

8404.80  
TOTAL AMOUNT

**INVOICE**

FORTUNE GROWERS LLC  
P O BOX 957585  
HOFFMAN ESTATES, IL 60195-7585

INVOICE NO.: 001793 01  
INVOICE DATE: 10/23/2007

PAYMENT TERMS: NET 7 DAYS

SHIPPING DATE: 10/03/2007

SHIPPED FROM: Direct  
FREIGHT TERMS: FOB

CUSTOMER ID: SCC001

PO#: 4407

SOLD TO: SOUTHERN CITRUS  
1626 W. FRONTAGE RD  
SAN DIEGO, CA 91911

SHIP TO:

OUR ORDER NO.: 00179301  
BROKER:

SALESMAN: Edgar K.

INSPECTION:  
ROUTING:  
LICENSE NO.:

B/L: 00179301

DESCRIPTION	QUANTITY	PRICE	UNIT	AMOUNT
CROWN BROCCOLI HONG FAT	448	15.65	CTN	7011.20

\* \* Please submit your check to: \* \*

FORTUNE GROWERS LLC  
P O BOX 957585  
HOFFMAN ESTATES, IL 60195-7585

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448  
TOTAL QUANTITY

PLEASE PAY  
7011.20  
TOTAL AMOUNT

**Exhibit "B"**



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Attachment View -- Powered by Outside In HTML Export

[Back to Message](#)**Fortune Growers LLC**

P.O. Box 957585 Hoffman Estates

IL 60195-7585

(805) 481 - 1055 &amp; (805) 202-4248 Fax

**Credit Application**Today's Date 7/11/07Company Name Southern Citrus Inc.Billing Address 1626 West Frontage RdCity Chula Vista State CA Zip 91911Telephone (619) 424-9000 Fax (619) 424-9009Contact Person Hana GiboE-Mail glibohana@yahoo.com Cellular # (619) 654-6828Federal Tax # 20 - 4216706 PACA License # 20061053

Resellers Tax # \_\_\_\_\_ Expiration Date \_\_\_\_\_

Type of Business Wholesale Start Date 2/1/06**Owner/Officer Information**Name Hana Gibo Sabah Yarkhan Title Pres. ad offAddress 1626 West Frontage RdCity Chula Vista State CA Zip 91911Phone (619) 424-9000 Fax (619) 424-9009

07/10/2007 08:34 PM

Yahoo! Mail

Company EAGLE Fresh  
 Address San Diego  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Phone (609) 424-7148 Fax (\_\_\_\_) \_\_\_\_\_  
 Account # \_\_\_\_\_ Contact \_\_\_\_\_  
 Company Harold Vank Produce  
 Address LA  
 City LA State \_\_\_\_\_ Zip \_\_\_\_\_  
 Phone (213) 609 77617 Fax (\_\_\_\_) \_\_\_\_\_  
 Account # \_\_\_\_\_ Contact VANK

### Terms of Sale

Credit Terms are NET 7 (Seven) DAYS unless specified otherwise. Invoices not paid within the terms of invoice date will be subject to collection procedures.

Also, Fortune Growers, LLC. has the right and duty by SECTION 5(c) of the Perishable Agricultural Commodities ACT of 1930 (7 U.S.C. 499e(c)) to retain a trust claim over any commodities and any receivables or proceeds from the sale of these commodities until full payment is received, and any claim is satisfied.

I/WE UNDERSTAND AND AGREE THAT THE INFORMATION PROVIDED IS FOR THE PURPOSE OF OBTAINING CREDIT. I/WE FURTHER UNDERSTAND AND AGREE THAT ALL ACCOUNTS OR MONIES DUE TO FORTUNE GROWERS LLC SHALL BE PAID IN ACCORDANCE WITH THE CREDIT TERMS STATED ABOVE, AND AGREE TO PAY ALL REASONABLE COSTS OF COLLECTION, IN ADDITION TO ANY ATTORNEY, PACA FEES INCURRED. I/WE AUTHORIZE RELEASE OF ALL INFORMATION LISTED IN THIS AGREEMENT.

BY [Signature] TITLE Officer DATE 7/12/07  
 BY [Signature] TITLE President DATE 7/12/07

### Guarantee

I/WE THE UNDERSIGNED, DO HEREBY GUARANTEE PAYMENT, AS INDIVIDUALS, OF THE INDEBTNESS INCURRED BY VIRTUE OF ANY AND ALL CREDIT EXTENDED IN ACCORDANCE WITH THE ABOVE AGREEMENT AND ALL OF ITS TERMS AND CONDITIONS.

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Social Security # REDACTEDName Hana Gibo Title Pro.Address 2876 Glen CanyonCity Spring Valley State CA Zip 91977Phone (619) 424 6546 Fax (619) 424 0009Social Security # REDACTED**Financial References**Bank Name Wells Fargo

Address \_\_\_\_\_

City Chula Vista State CA Zip 91911

Phone ( ) \_\_\_\_\_ Fax ( ) \_\_\_\_\_

Account # 7063485623Date Opened 5/5/06 Type of Account Checking

Account # \_\_\_\_\_

Date Opened \_\_\_\_\_ Type of Account \_\_\_\_\_

Contact Person \_\_\_\_\_

**Trade References**Company Mendenhall CorpAddress Chula Vista State \_\_\_\_\_ Zip \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone (619) 762-578-3432 Fax ( ) \_\_\_\_\_Account # \_\_\_\_\_ Contact WiseCompany GtoAddress El Centro State \_\_\_\_\_ Zip \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone (960) 4557821 Fax ( ) \_\_\_\_\_Account # \_\_\_\_\_ Contact Wise

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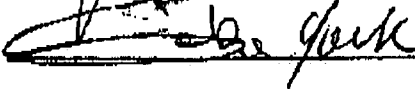
Guarantor



Dated

7/2/07

Guarantor



Dated

7/12/07

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